

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,) Docket No. 18 CR 781
Plaintiff,) Chicago, Illinois
v.) March 18, 2019
XIANBING GAN,) 9:06 a.m.
Defendant.)

TRANSCRIPT OF PROCEEDINGS - Status
BEFORE THE HONORABLE THOMAS M. DURKIN

APPFARANCES:

For the Government: MR. SEAN J.B. FRANZBLAU
Assistant United States Attorney
Honorable John R. Lausch, Jr.
United States Attorney
219 S. Dearborn Street
5th Floor
Chicago, IL 60604

For the Defendant: MS. YAN ZONG
The Evans International Law Firms LLC
10330 W. Roosevelt Road, Suite 204
Westchester, IL 60154

Also Present: MR. XTANBTNG GAN

Court Interpreter: MS ROBIN XII MURPHY

Court Reporter: LAURA R. RENKE, CSR, RDR, CRR
Official Court Reporter
219 S. Dearborn Street, Room 1432
Chicago, IL 60604
312.435.6053
laura_renke@ilnd.uscourts.gov

1 (In open court.)

2 THE CLERK: 18 CR 781, United States of America v.
3 Xianbing Gan.

4 (Defendant enters the courtroom.)

5 MR. FRANZBLAU: Good morning, your Honor. Sean
6 Franzblau for the United States.

7 THE COURT: Good morning.

8 MS. ZONG: Good morning, Judge. Yan Zong on behalf of
9 defendant Gan.

10 THE INTERPRETER: Good morning, your Honor. Mandarin
11 interpreter Robin Murphy.

12 THE COURT: All right. Good morning.

13 Mr. Gan, can you understand me through the court
14 interpreter?

15 THE DEFENDANT: Yes.

16 THE COURT: All right. Okay.

17 I think last time we were here, you were going to get
18 together on a date for the trial. Have you had a chance to do
19 that?

20 MR. FRANZBLAU: We have, your Honor. The parties are
21 both available in July. But the reason we wanted to come in
22 early is because --

23 MS. ZONG: We --

24 MR. FRANZBLAU: Go ahead.

25 MS. ZONG: Yeah. Judge, we have some issues. So we

1 have not been able to get an answer from our client whether he
2 want our firm to represent him at the trial. So we're not able
3 to, like, comply with the Court's desire to finally set a trial
4 date.

5 THE COURT: All right. Does he have anybody in mind
6 if you're not -- does he have the funds to hire another set of
7 attorneys, or is he going to be seeking the services of a
8 federal defender?

9 MS. ZONG: Oh. I'm not clear.

10 THE COURT: All right.

11 MS. ZONG: He did not --

12 THE COURT: Well, that's something that --

13 MS. ZONG: -- disclose that part to us.

14 THE COURT: Okay. That's a discussion you have to
15 have because he has a choice -- he has a right to counsel of
16 choice unless he can't afford counsel of choice, which --

17 MS. ZONG: Yeah. We did explain that to the client,
18 but he just told us he's still making the decision. But we're
19 not able to get, like, an answer from him, like, "Yeah, I'm
20 hiring a federal defender," or, like, "another counsel," or "I
21 want your firm to represent."

22 Judge, do you want me to talk with him right now to
23 confirm again, or --

24 THE COURT: Yeah. If you want to go back to the
25 lockup with the court interpreter and speak to him about the

1 fact that -- you know, if -- if he doesn't want your firm to
2 represent him, that's fine. That's his choice. But -- if he
3 has the funds to hire another attorney or another firm, that's
4 fine. It might delay any setting of a trial.

5 MS. ZONG: Okay.

6 THE COURT: If he wants to discharge your firm but
7 can't afford to hire another attorney, that's his right. I'd
8 appoint a federal defender to represent him.

9 But, again, that may -- we'd have to find out who that
10 attorney is. They'd have to meet with him, make sure it's
11 still his desire to go to trial. And then we'd set a trial
12 date.

13 MS. ZONG: Okay.

14 THE COURT: But if -- given the fact the interpreter
15 is here and you want to talk to him about those things, you can
16 do that right now, if you'd like.

17 MS. ZONG: Okay. I will talk with him right now just
18 to get a confirmed answer from him.

19 THE COURT: That's fine. And if there's no answer or
20 there's no decision by him, we'll set it over for a short date
21 so we can get this matter resolved so that we can either set it
22 for trial or set it for a date for a new attorney to appear.

23 MS. ZONG: Okay. Okay.

24 THE COURT: All right. So why don't you take a few
25 minutes with your client with the interpreter.

1 Can you communicate with him, or do you --

2 MS. ZONG: Yes.

3 THE COURT: -- need the interpreter?

4 MS. ZONG: No, I don't need the interpreter.

5 THE COURT: Okay. That's fine. Then I'll have the
6 interpreter stay out here. You can go back with your client to
7 the lockup. And when you come back out, we'll recall the case.

8 MS. ZONG: Yes. Thank you.

9 THE COURT: All right. Thank you.

10 MR. FRANZBLAU: Thank you, Judge.

11 (The Court attends to other matters.)

12 THE CLERK: 18 CR 781, United States of America v.
13 Xianbing Gan.

14 (Defendant enters the courtroom.)

15 MR. FRANZBLAU: Good morning again, your Honor. Sean
16 Franzblau for the United States.

17 THE COURT: Good morning.

18 MS. ZONG: Good morning, Judge. Yan Zong on behalf of
19 defendant Gan.

20 Judge, I just talk with Mr. Gan, and he decide to hire
21 a new private counsel. So I think he need some time to let the
22 counsel know and file an appearance. And we will provide the
23 counsel all the discovery materials we are in possession.

24 THE COURT: All right. How long does he think he'll
25 need to retain new counsel? Does he have somebody in mind?

1 MS. ZONG: I believe so, yeah. Well, he has somebody
2 in mind, yeah.

3 THE COURT: Okay. All right. I'm going to kick the
4 case over for about two weeks.

5 MS. ZONG: Okay.

6 THE COURT: That should give him sufficient time to
7 hire new counsel. I'm not going to allow you to withdraw at
8 this point.

9 MS. ZONG: Okay.

10 THE COURT: Need to make sure someone files an
11 appearance on his behalf.

12 MS. ZONG: Okay. Sure.

13 THE COURT: We'll give you a date.

14 THE CLERK: Can you come back on April the 3rd, 9:00?

15 MR. FRANZBLAU: That's fine for the government.

16 MS. ZONG: Would you please give me one second?

17 THE COURT: Sure.

18 MS. ZONG: I apologize.

19 You say April 3rd?

20 THE CLERK: April 3rd. It's a Wednesday.

21 MS. ZONG: I'm sorry, Judge. We have two case on that
22 day. Can we get --

23 THE CLERK: How about the 4th. Can you make the 4th?

24 MS. ZONG: Yes, I think so.

25 MR. FRANZBLAU: That's fine for the government.

1 THE COURT: All right. So April 4th for a continued
2 status. And at that time I'd expect Mr. Gan to have gotten
3 another attorney. That attorney should have filed his or her
4 appearance, should appear on the April date. We can move the
5 date around for a few days if it turns out that the date's
6 inconvenient for new counsel. We can -- simply have to contact
7 my courtroom deputy and move the date around.

8 MS. ZONG: Okay.

9 THE COURT: But I do need to have new counsel here --

10 MS. ZONG: Mm-hmm.

11 THE COURT: -- at that time so we can set a trial
12 date.

13 MS. ZONG: Okay.

14 THE COURT: Any motion on excludable time?

15 MR. FRANZBLAU: Yes. I'd move to exclude time so the
16 defendant can retain new counsel.

17 THE COURT: Any objection?

18 MS. ZONG: No.

19 THE COURT: All right. Excludable time order will be
20 entered for those reasons. And we'll see you on that April
21 date.

22 MR. FRANZBLAU: Thank you, your Honor.

23 MS. ZONG: Thank you.

24 THE COURT: Thank you.

25 (Concluded at 9:15 a.m.)

C E R T I F I C A T E

I certify that the foregoing is a correct transcript of the record of proceedings in the above-entitled matter.

/s/ LAURA R. RENKE
LAURA R. RENKE, CSR, RDR, CRR
Official Court Reporter

July 23, 2019